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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO:20915 of 2006

DATED: 23-10-2006

Between:

The State of Andhra Pradesh, rep.by its Principal Secretary, TR&B Department, Secretariat, Hyderabad and another

.....
PETITIONERS

AND

P.Goverdhan Reddy

.....RESPONDENT

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ORDER: (per Hon'ble Sri Justice B.Prakash Rao)

Heard the learned Government Pleader for Services II and Sri M.Ratna Reddy, learned counsel appearing for the respondent, and at their request, the main writ petition itself is taken up for disposal at the stage of admission.

In this writ petition, the petitioners herein seek to assail the

orders passed by the A.P. Administrative Tribunal in O.A.No.561 of 2004 dated 13-11-2005 allowing an application filed under Section 19 of the Administrative Tribunals Act, 1985 wherein the respondent successfully assailed the impugned actions dated 03-07-2003 and 19-11-2003 imposing the punishment.

The main ground on which the Tribunal sought to allow the OA was that there is no enquiry before such punishment was imposed.

After hearing the learned counsel on both sides and on perusing the material available on record, it is seen that admittedly, as the nature of allegation pertains to tampering the M.Book, which certainly amounts to serious one, it calls for a regular enquiry. Without which the punishment as such cannot be imposed. The contention of the learned counsel for the petitioners is that in the grounds of application filed by the respondent herein before the Tribunal there is an admission on the part of the respondent that it is somebody's mistake mulcted on the applicant. However, we are not inclined to say that such a plea as one amongst the grounds would amount to any admission. Necessarily it requires a regular enquiry as contemplated under the Regulations. We are in entire agreement with the reasons as given by the Tribunal. Hence, we do not find any warrant to interfere under Article 226 of the Constitution of India.

The Writ Petition is dismissed. However, the petitioners are at liberty to take appropriate action, if they are so advised, in accordance with law. No costs.

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B.PRAKASH RAO, J

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G.V.SEETHAPATHY, J

23rd October, 2006

SKM